

Message Text

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E.O. 11652: N/A

TAGS: PFOR, ASEC, UR, US

SUBJECT: REQUESTS THAT SOVIETS TESTIFY IN JDL TRIALS

REF: (A) STATE 163677 (B) USUN 4521

1. SUMMARY: SOVIET EMBASSY DCM DECLINED TO HAVE EMBASSY PERSONNEL TESTIFY IN BALTIMORE TRIAL OF DR. WILLIAM PERL (REF A), BUT INDICATED SOVIETS MIGHT PROVIDE WITNESSES TO TESTIFY IN NEW YORK TRIAL OF RUSSEL KELNER AND OTHERS (REF B). END SUMMARY.

2. PERL CASE: EUR/SOV DIRECTOR GARRISON INVITED SOVIET EMBASSY MINISTER COUNSELOR VORONTSOV TO DEPARTMENT OCTOBER 22 AND INFORMED HIM OF DEPARTMENT OF JUSTICE REQUEST THAT SOVIET EMBASSY OFFICERS MALISHAUSKAS OR ZAVRAZHNNOV, OR
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MEMBERS OF THEIR FAMILIES, TESTIFY AT TRIAL OF DR. PERL,

NOW SCHEDULED TO BEGIN NOVEMBER 15 IN BALTIMORE. GARRISON SAID SOVIET EMBASSY HAD PROVIDED, AT US AUTHORITIES' REQUEST, A LETTER STATING THAT THE TWO FAMILIES RESIDED IN THE APARTMENTS WHICH WERE TARGETS OF THE CONSPIRACY. J. STICE FEELS, HOWEVER, THAT IT COULD PROSECUTE CASE MORE EFFECTIVELY AND FULLY IF IT COULD PRESENT WITNESS TO TESTIFY THAT FAMILIES WERE HOME IN THE APARTMENTS AT THE TIME OF THE INTENDED SHOOTING.

3. VORONTSOV INDICATED HE HAD NO OBJECTION IN PRINCIPLE, BUT DECLINED ON PRACTICAL GROUNDS. HE NOTED THAT THE SOVIET INHABITANTS OF THE BUILDING HAD NOT HEARD ANY SHOTS THE EVENING OF THE INCIDENT, HAD NOT BEEN BOTHERED, AND WERE NOT EVEN AWARE OF INCIDENT UNTIL INFORMED LONG AFTERWARD. HE EXPRESSED WILLINGNESS TO HAVE THE TWO FAMILIES PROVIDE DEPOSITIONS. GARRISON NOTED, HOWEVER, THAT DEPOSITIONS WOULD BE OF NO VALUE BECAUSE WITNESSES IN A CRIMINAL CASE MUST BE AVAILABLE FOR CROSS EXAMINATION BY BOTH PROSECUTION AND DEFENSE.

4. KELNER CASE: GARRISON GAVE VORONTSOV FOR HIS INFORMATION A COPY OF INDICTMENT AGAINST KELNER AND OTHERS FOR COMING NEW YORK TRIAL (REF B). GARRISON SAID DEPARTMENT EXPECTS TO APPROACH SOVIETS WITH REQUESTS FOR SOVIET WITNESSES IN THAT CASE, BUT DEPARTMENT HAD NOT YET RECEIVED RELEVANT INFORMATION FROM DEPARTMENT OF JUSTICE. VORONTSOV SEEMED TO REACT POSITIVELY, AND EXPRESSED WILLINGNESS TO CONSIDER WITH OPEN MIND THE POSSIBILITY OF PROVIDING WITNESSES. HE MENTIONED ON HIS OWN INITIATIVE THE POSSIBILITY THAT TESTIMONY BY THE WATCHMAN ON DUTY AT THE TIME OF THE FEBRUARY 27 RIVERDALE SHOOTING INCIDENT MIGHT BE POSSIBLE AND DESIRABLE. GARRISON INDICATED HE WOULD PURSUE THE IDEA WITH VORONTSOV WHEN THE DEPARTMENT WAS PREPARED TO MAKE A SPECIFIC REQUEST OF THE SOVIETS. KISSINGER

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